

ANTHONY L. MARTIN
Nevada Bar No. 8177
anthony.martin@ogletreedeakins.com
JILL GARCIA
Nevada Bar No. 7805
jill.garcia@ogletreedeakins.com
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
Wells Fargo Tower
Suite 1500
3800 Howard Hughes Parkway
Las Vegas, NV 89169
Telephone: 702.369-6800
*Attorneys for Defendants ResortStay International, LLC and
Starpoint Resort Group, Inc.*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

ROSALIND BROWN,

Plaintiff,

vs.

RESORTSTAY INTERNATIONAL, LLC, a
Nevada Limited Liability Company;
STARPOINT RESORT GROUP, INC., A
Nevada Corporation,

Defendant.

Case No.: 2:16-cv-02747-JAD-VCF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY AND OTHER
DEADLINES**

(SIXTH REQUEST)

Defendants ResortStay International, LLC and Starpoint Resort Group, Inc. (collectively, “Defendants”) and Plaintiff Rosalind Brown (“Plaintiff”), by and through undersigned counsel, hereby stipulate and request that the discovery cut off (currently set for July 9, 2018), as well as related dates, be extended for a period of 60 days. This request is submitted pursuant to LR 6-1, 6-2, 7-1 and 26-4 and is the parties’ sixth request.

I. DISCOVERY COMPLETED TO DATE

Defendants served their Initial Disclosures on or about April 18, 2017. Plaintiff served her Initial Disclosures on or about May 11, 2017. Plaintiff served her Requests for Production of

1 Documents and Interrogatories on or about August 7, 2017. Defendants' responded to these
2 discovery requests on October 5, 2017. The parties have been meeting and conferring as to
3 supplemental responses. Defendants served written discovery requests on Plaintiff on June 8,
4 2018.

5 Defendants deposed Plaintiff on September 13, 2017. Plaintiff deposed Richard Braglia
6 and Frank Braglia on October 10, 2017.

7
8 **II. REMAINING DISCOVERY TO BE COMPLETED**

9 Plaintiff has requested to take the depositions of Shelley Brittell, Angelica Talamaya,
10 Jessica Carranza-Sanchez, Miranda Cox, Jim Danz, Brad Benson and Darren Horvath in the near
11 future. The parties are conferring on these depositions. Additional written discovery and
12 supplemental document requests might also be completed by the parties.

13 **III. REASONS DISCOVERY CANNOT BE COMPLETED WITHIN THE**
14 **DEADLINE**

15 Although the parties have worked diligently to satisfy the current discovery deadlines, it is
16 unlikely that all required discovery and requested depositions can be completed within the current
17 discovery deadline. Some of the witnesses are out of state and former employees, and the parties
18 are working with their schedules.

19
20 At the same time new attorneys have been assigned to this case due to Erica J. Chee, prior
21 lead associate with Ogletree, Deakins, Nash, Smoak & Stewart, P.C. ("Ogletree"), leaving the firm.
22 These new attorneys, due to the expansiveness of this matter's record, have needed more time than
23 was anticipated to catch up and fully understand the issues in this matter.

24 The parties have been meeting and conferring as to responses to written discovery and
25 supplemental responses. Defendants are performing additional searches, but the process has taken
26 longer than anticipated. Additionally, the parties are in the process of attempting to coordinate
27 schedules to set the remaining depositions and to complete all other necessary discovery.
28

1 **IV. REVISED PROPOSED DISCOVERY PLAN**

2 All discovery in this case will be conducted in accordance with the Federal Rules of Civil
3 Procedure and applicable Local Rules of this District Court. The parties propose to the Court the
4 following cut-off dates:

5 **A. Discovery Cut-Off Date:** The discovery cut-off deadline shall be **Monday,**
6 **September 7, 2018** (sixty (60) days after the current deadline of July 9, 2018).

7 **B. Dispositive Motions:** Dispositive motions shall be filed by **Monday, October 8,**
8 **2018** (thirty-one (31) days after the discovery cut-off date of September 7, 2018 as the 30th day is
9 Sunday) in accordance with Local Rule 26-1(e)(4)).

10 **C. Motions In Limine/Daubert Motions:** Pursuant to Local Rule 16-3(b), any
11 motions in limine, including *Daubert*-type motions, shall be filed and served thirty (30) days prior
12 to trial. Oppositions shall be filed and served and the motion submitted for decision fourteen (14)
13 days thereafter. Reply briefs shall only be allowed with leave of court, unless the District Judge
14 issues an order with a different deadline or briefing schedule.

15 **D. Pretrial Order:** The Pretrial Order shall be filed no later than **Wednesday,**
16 **November 7, 2018** in accordance with Local Rule 26-1(e)(5). In the event dispositive motions
17 have been filed, the Pretrial Order shall be suspended until thirty (30) days after a decision of the
18 dispositive motions or further order of the Court.

19 **E. Fed. R. Civ. P. 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ. P.
20 26(a)(3), and any objections thereto, shall be included in the final pretrial order in accordance with
21 Local Rule 26-1(e)(6).

22 **F. Extension Or Modification Of The Discovery Plan And Scheduling Order:** In
23 accordance with Local Rule 26-4, any motion or stipulation to extend a deadline set forth in this
24 discovery plan and scheduling order shall be received by the Court no later than twenty-one (21)
25

1 days before the expiration of the subject deadline. Any request thereafter shall only be granted
2 with a showing of good cause.

3 This Stipulation to Extend Discovery and Other Deadlines is not submitted for purposes of
4 delay.

5 For all the reasons stated above, good cause exists to extend the discovery cut-off in this
6 matter.

7
8 Dated this 18th day of June, 2018.

9 LAW OFFICES OF MICHAEL P.
10 BALABAN

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

11 /s/ Michael P. Balaban

/s/ Jill Garcia

12 Michael P. Balaban
13 10726 Del Rudini Street
14 Las Vegas, NV 89141
15 *Attorneys for Plaintiff Rosalind Brown*

Anthony L. Martin
Jill Garcia
Wells Fargo Tower
Suite 1500
3800 Howard Hughes Parkway
Las Vegas, NV 89169
*Attorneys for Defendants ResortStay International,
LLC and Starpoint Resort Group, Inc.*

17 **ORDER**

18 IT IS SO ORDERED.

19 
U.S. MAGISTRATE JUDGE

20 6-19-2018

21 DATE